

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

Case No. 3:18-cr-0132

-vs-

MARCUS WALTON

Judge Thomas M. Rose

Defendant

ENTRY AND ORDER DENYING DEFENDANT'S PRO SE MOTION
FOR APPOINTMENT OF COUNSEL TO FILE A MOTION FOR COMPASSIONATE
RELEASE (DOC. 37)

This matter is before the Court pursuant to a letter, which the Court considers a pro se Motion for appointment of counsel to file a Motion for compassionate release under 18 U.S.C. §3582(c) (1)(A). (Doc. 37).

In said Motion, Defendant offers no argument as to why counsel is necessary except that he is a prisoner and unable to afford one.

Further Defendant, other than his assertion that he has "high risk health conditions", offers no evidence of his stated medical issues or evidence that he has indeed exhausted all his administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on his behalf or the lapse of 30 days from receipt of such a request by the Warden of the Defendant's facility, whichever is earlier. 18 U.S.C. §3582(c)(1)(A).

There is no general constitutional right to appointed counsel in post-conviction proceedings under 18 U.S.C. §3582(c)(2). To be sure, the Court has discretion to appoint counsel if the interest of justice so require. See generally, 18 U.S.C. 3006 A (providing interests of justice standard for appointment of counsel in similar post-conviction proceedings). Given that Mr. Walton has not provided evidence of his stated medical issues or sufficient evidence of exhaustion of his administrative process, appointment of counsel is not appropriate at this time. Said Motion is DENIED.

July 7, 2020

*/Thomas M. Rose

Thomas M. Rose, Judge
United States District Court